

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KRISTOPHER KELLY TROTTER,

Plaintiff,

v.

CITY OF DALLAS, TEXAS,

Defendant.

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Civil Action No. **3:19-CV-1327-L-BT**

ORDER

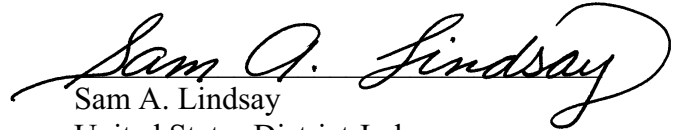
On August 14, 2020, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 28) was entered, recommending that the court grant the City of Dallas’s Motion to Dismiss (Doc. 23); dismiss without prejudice all of the claim(s)* asserted by Plaintiff, pursuant to 42 U.S.C. § 1983, against the City of Dallas; and deny Plaintiff’s request to conduct discovery as premature but grant his request for one final opportunity to amend his pleadings. No objections to the Report were filed.

Having reviewed the motion, briefs, pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** the City of Dallas’s Motion to Dismiss (Doc. 23), **dismisses without prejudice** Plaintiff’s claims, and **directs** Plaintiff to file an amended complaint that cures the deficiencies noted in the Report by **September 30, 2020**. Failure to do so will result in dismissal with prejudice of Plaintiff’s municipal liability claim against the City of

* According to the Report, Plaintiff acknowledges that his Amended Complaint asserts only a municipal liability claim against the City of Dallas.

Dallas, pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted. Further, the court **denies** as premature Plaintiff's request to conduct discovery.

It is so ordered this 2nd day of September, 2020.


Sam A. Lindsay
United States District Judge